CONSTITUTION OF NATIVE VILLAGE OF EKLUTNA

PREAMBLE

We, the Iydlughet Qayeh T'ana, descendants of the Tanaina Dena'ina peoples constitute the political body know as the Native Village of Eklutna, which is a federally recognized tribal government. The authority to act on behalf of the interest our tribal people predates the formation of the federal and state governments. We continue to assert our freedom as a sovereign people, a fact that is thousands of years old. We are citizens of the United States of America, and residents of the state of Alaska. This Constitution is to protect our community's cultural integrity; promote social and economic well being and to further its political interests. We are not bound by the federal constitution of the United States. We pledge to act in accordance with all federal laws that do not restrict the tenets or practices of tribal sovereignty.

ARTICLE I NAME

Section I Name The name of this Nation shall be called Iydlughet Qayeh T'ana (Eklutna), and its capital is the Community known as the Native Village of Eklutna.

ARTICLE II JURISDICTION

Section I Territory The government of the Native Village of Eklutna shall have jurisdiction of the land and waters constituting Indian Country of the Eklutna Tribe as defined by federal law. To the extent consistent with federal law, such lands and waters customarily and traditionally used by the Eklutna people, including within such 'traditional land and waters' all lands withdrawn for selection by Eklutna, Incorporated, under the ANCSA Act, (PL:9-90), all fee and allotment lands within the traditional lands of Eklutna, not withstanding the issuance of any patent or unrestricted fee title to such lands."

Section II Extending Jurisdiction Jurisdiction authority shall extend to the tribal members of the Native Village of Eklutna, regardless of location including those who do not reside within territorial jurisdiction, for the purpose of tribal affairs, (such as Indian Child Welfare Act and others as may arise).

Section III Observance of Eklutna Constitution & Laws All members and all others non members permitted to reside on the lands of Eklutna, and all persons who enter upon lands of our tribe, shall be governed by this constitution, tribal ordinances, customs, traditions and applicable laws to the extent not by acts of congress.

Section IV Non-members Non-members may reside on the lands of the Eklutna tribe, only with the written consent of the traditional council and appropriate officials of Eklutna. Any non-member who violates the Eklutna Constitution, tribal ordinances, customs traditions and applicable laws protecting the land or people of Eklutna may be excluded from Eklutna lands in accordance with the ordinance of Eklutna which provides for due process and ICRA section 8

ARTICLES III GOVERNING BODY

Section I Name The governing body of Eklutna shall be the Native Village of Eklutna Traditional Tribal Council herein after referred to as "the Council"

Section II Composition The Council shall consist of **seven (7)** members who, (subsequent to the forming body), shall be elected by a majority of qualified members.

Section III Officers The council shall include a President, Vice-President, Secretary, Treasurer, and three (3) Trustees.

Section IV Terms of Office Council members shall serve terms of three (3) years each, terms to be staggered so that no more than three (3) members terms expire in any one year. The first council has been elected in the following order:

(a) Vice-President, Treasurer , and one (1) Trustee
(b) President, Secretary, and one (1) Trustee
(c) one (1) Trustees

Section V Assumption of Office All elected council members shall take office immediately upon election.

Section VI Conflict of Interest No elected council members shall participate in any discussion or vote in any matter relating to his or her immediate family. The council member may be hired by the council to work for the tribal government but that in the process s/he shall abstain from participation on matters pertaining to his employment or to his immediate family (Parents, Spouse, Siblings, Children).

ARTICLE IV DUTIES OF OFFICERS

Section I President The President shall preside at and attend all meetings of the tribe and of the Council and shall execute on behalf of the council all contracts, leases or other documents approved by the council. S/he shall vote in matters before the council. S/he shall have general supervision of all other officers, employees and committees of the tribe and see that their duties are properly performed. When the council is not in session, s/he shall be the official representative of the tribe.

Section II Vice-President The Vice-President shall assist the President when called upon to do so. In the absence of the President, he shall preside and when so presiding shall have all the rights, privileges, duties and responsibilities of the President.

Section III Secretary The Secretary shall attend all meetings of the tribe and Council and will cause to be kept the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. Copies of all minutes, resolutions and ordinances shall kept in the Tribal offices. The Secretary shall issue notices of all meetings and elections and conduct all general correspondence as directed by the council.

Section IV Treasurer The Treasurer shall cause to have a financial report to the council. Financial records shall be available for inspection by any member of the tribe or the council. The financial records shall be kept in the Tribal offices. S/he shall attend all meetings and all committee meetings as assigned by the tribe and the council.

Section V Trustees Trustees shall attend all regular, special annual membership meetings. Attend all committee meetings as assigned.

ARTICLE V MEETINGS

Section I Regular and Special Meeting Regular meetings of the council shall be held quarterly; the time, place and date to be designated by the Council.

Special meetings of the council may be called by the president or shall be called by him upon receipt of a petition signed by at least four (4) members of the council and when so called, the council shall have power to transact business as in regular meetings, provided that a quorum is present.

Section II Quorum A quorum of the council shall consist of four (4) members of the council. No business shall be transacted unless a quorum is present.

Section III Conflict of Interest No council member shall vote on any matter before the council in which he has a personal interest or which will benefit directly any member of his immediate family including but not limited to employment contracts, project funding and appointments to community committee. Immediate family means parents, spouse, siblings, children.

Section IV Meeting Public All meetings of the council shall be open to the general membership of Eklutna; provided however, that the council may recess at is discretion to discuss in a closed session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed session.

Section V Decisions All final decisions of the council on matters of general or permanent interest to members of the Native community shall be embodied in ordinances. The ordinance shall be collected and made available to tribal members and others affected upon reasonable request.

Section VI Resolutions Temporary All final decisions of the council on matters of temporary interest shall be embodied in resolutions. Resolutions shall be collected and made available to community members and other affected persons upon request.

Section VII Parliamentary Procedures All meetings shall be conducted in accordance which rules adopted by the council.

ARTICLE VI ELECTIONS

Section I Election Ordinance The Council shall enact an ordinance, consistent with this Constitution, setting forth the procedures to be followed in conducting each of the various types of elections called for under this constitution. The ordinance shall at least include provisions for:

(a) Voter registration
(b) Secret balloting
(c) absentee voting
(d) maintenance of a current list of eligible voters
(e) screening of prospective candidates
(f) settling election dispute
(g) the establishment of a Council Election Board having responsibility to ensure that Council elections are conducted Objectively and fairly.

Section II Voter Qualifications Any (duly enrolled) member of the Eklutna Tribe eighteen (18) years of age or older shall be eligible to vote in (all) elections.

Section III Qualification of Candidates Any (duly enrolled) member of the tribe who is at least eighteen (18) years of age on the date of the election shall be eligible to become a candidate for election to the Tribal Council. No person shall be a candidate for more than one (1) position in an election, nor be eligible if they have been convicted or a felony.

Section IV Regular Election The regular election of officials and questions requiring voters approval shall be held in accordance with the a system of staggered terms that has been established. Members shall hold office until their successors are duly elected and seated.

Section V Election Committee There shall be an election committee appointed by the council whose duties shall be to supervise, administer and conduct all tribal elections in accordance with the election ordinance. The election committee shall certify the election of community officials immediately

after the election. No member of the election committee shall at the same time be a member of the council or a candidate for a position on the council.

ARTICLE VII REMOVAL, RECALL AND FORFEITURE

Section I Removal Any council member or other official found guilty by the council of behavior involving "gross misconduct and neglect" in office of duty shall be removed from office if at least four (4) members of the council vote in favor of such removal. Voting must be by secret ballot. If the accused is a member of the council, the accused shall have no right to cast a ballot. Before any vote is taken, the person subject to removal shall be given a written statement of the charges against him at least ten (10) days before the meeting of the council at which he or his representative is to appear and shall be given an opportunity to answer, contest, and present any evidence regarding any and all charges at the designated council meeting. If the person subject to removal fails to appear before the council, the council shall proceed with the vote as scheduled. The decision of the council shall be final. No member of the council shall preside over the meeting at which his removal is being considered.

Section II Recall Members shall have the power to recall any member of the council. The recall process shall be initiated by filing with the council a petition asking such recall, signed by at least thirty percent (30%) of the eligible voters, and setting forth the reasons for the petition. Within thirty (30) days after the receipt of a valid recall petition, the council shall call and conduct an election to consider the recall of the official named in the petition. The election shall be conducted pursuant to the election ordinance. Once an individual has been subjected to recall proceedings, and if the recall fails he/she shall not again be subject to the failed recall action again during the balance of his term of office.

Section III Forfeiture A council member will forfeit his/her seat for the following reason:

(a) found guilty of a felony in wither a tribal, state or federal court.
(b) misses three (3) consecutive meetings without being excused.
(c) submittal of a letter of resignation.
(d) incapacitated as determined by a physician.

ARTICLE VIII VACANCIES

Section I Vacancies Any office which has been vacated, whether it be resignation, removal, recall, forfeiture, or death shall be filled by appointment of the remaining council. The replacement shall serve until the vacated term is expired, or his successor is elected.

ARTICLE IX POWERS

Section I Powers The sovereign powers of Eklutna shall be vested in the council, who shall have powers and responsibilities herein after provided, subject to specific limitations imposed upon such powers by customs and traditions and the United States government. The council shall have power:

(a) To consult, negotiate, authorize, contract and conclude agreements with Federal, State, local government and their divisions including other tribal organizations on activities which may affect Eklutna, its members or interest;

(b) To advertise for, interview, select, determine payment and employ staff, including legal counsel;

(c) To acquire property and to accept gifts.

(d) To join and /or charter community housing authorities;

(e) To charter community enterprises, corporations and associations;

(f) To prescribe rules and regulations governing future membership, loss of membership and the adoption of members;

(g) To administer tribal assets and manage all economic affairs and enterprise of the tribe, including the lease, sale or other disposition of lands owned by the tribe;

(h) To promote the peace, safety, health, politics, education and general welfare of the members of the tribe;

(I) To enact ordinance and regulations consistent with this constitution;

(j) To levy and collect taxes, fees and assessments for tribal purpose within the identifies tribal boundaries set forth by the enabling ordinance;

(k) To encourage and foster the arts, crafts, traditions, history, language and cultural of the tribe;

(l) To accept and administer contracts, grants and other forms of agreements on behalf of Eklutna;

(m) To determine land use and developments of other natural resource.

Section II Omissions of Powers Any rights and sovereign powers heretofore vested in Eklutna but not expressly referred to in this constitution shall not be lost by reason of there omission, but may be exercised by the council and identified through the adoption of appropriate amendments of this constitution.

ARTICLE X MEMBERSHIP

Section I Qualifications of Membership Any person who meets the following qualifications shall be eligible to apply to be a member of Eklutna:

(a) A Native resident since 1940 who had or has a house in the village shall be considered as Base Roll Members

(b) Biologic descendants of persons listed on the Base Roll are eligible to apply for Full membership in Eklutna.

(c) Any Native person who is enrolled in Eklutna, Incorporated is automatically eligible to apply for full membership in Eklutna.

(d) Children born to descendants of the Base Roll and Full Members may be admitted to full membership.

(e) Non-biological Alaska Natives dependents may apply for Adoptive membership status to Eklutna. (i.e. spouse male/female), adopted child, foster child, child under legal guardianship).

(f) Any person, Native or Non-Native, deemed by the Council to have shown worthiness of this recognition may be made an Honorary Member of Eklutna.

Section II Power of Eklutna Council over Membership Eligibility Membership is subject to the tribal enrollment ordinance adopted December 30, 1993, Council approval and discretion.

Section III Renunciation of Membership A member of Eklutna may renounce his or her membership by:

(a) becoming a member of another tribe provided, that such person's membership in another tribe shall have been confirmed pursuant to written verification from the individual or

(b) by filling with the Secretary of the Council verified written statement expressly renouncing membership in the Eklutna; provided, that no renunciation by a member under the age of eighteen (18) shall be effective unless approved by the parent or legal guardian of such member and by the Council.

Renunciation shall be effective on the date of either event specified above and all rights derived from membership in the Eklutna shall cease on that date.

Section IV Loss of Membership The Council shall have the power to enact ordinances, pertaining to loss of membership for reasons other than renunciation; provided, however, that such ordinances shall specify the grounds for loss of membership and shall provide for a hearing prior to final determination on loss of membership. (Ordinance exists?) (All members know reasons?)

ARTICLE XI POPULAR PARTICIPATION IN GOVERNMENT

Section I Initiative or Referendums An ordinance shall be enacted identifying the procedures to be used wherever it is necessary to submit petitions for any purpose to the council and set forth rules for determining the validity of such petitions.

Section II Initiative The eligible voters shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a petition, in compliance with Section I above, signed by at least thirty percent (30%) of the eligible voters, the council shall call for a meeting within fifty (50) days after receipt and certification of the petition. An affirmative vote by at least a majority of the eligible registered voters shall be required to determine the issues or questions submitted to the voters.

Section III Decision of Tribal Members The decision of the voters in both initiatives and referendums shall be binding on the council and the tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by it own terms.

ARTICLE XII RIGHTS OF MEMBERS

Section I Rights All members of the tribe shall enjoy without hindrance equal rights of life, liberty and the pursuit of happiness.

Section II Rights and Privileges The constitution shall not in any way alter, abrade or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of the tribe, or other nations.

Section III Property Rights The individual personal "property rights of any member of the Native Village of Eklutna shall be respected. (Property defined in glossary)

Section IV Record Review Tribal members shall have the right to review all council record including financial records at any reasonable time in accordance with procedures established by the council.

Section V Exercising Powers Limited Eklutna in exercising it powers of self-government shall not;

(a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble and to petition for a redress of grievance;

(b) Violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause,

supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) Take any private property for a public use without just compensation;

(d) Any tribal land being sold by the tribal member shall be processed through the council and may be sold or bartered or given only upon council approval.

Section VI Other Rights The enumeration of certain rights in this constitution shall not be construed to extinguish or limit other rights or members and non-members.

Section VII Regular Meetings Regular meetings or the general membership of the Native Village of Eklutna shall be held at lease once annually. The date, time and place of such meetings shall be determined by the council. Special meetings of the general membership may be called by the president or upon the receipt of a petition signed by at least thirty percent (30%) of the members of the Native Village of Eklutna.

Section IX Quorum of Membership A quorum of the general membership shall consist of fifteen percent (15%) of the Native Village of Eklutna. No business shall be conducted unless a quorum is present.

ARTICLE XIII SEVERABILITY

Section I Severability If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV CONSTITUTIONAL AMENDMENTS

Section I Amendment Voting This constitution may be amended by a majority of the qualified voters of the Native Village of Eklutna voting in an election called for that purpose. Provided, that at least fifteen percent (15%) of those entitled to vote shall vote in such election.

Section II Amendment Meeting It shall be the duty of the Council President to call for a meeting to vote on any proposed amendment at the request of the council or upon the receipt of a petition signed by at least fifteen percent (15%) of the qualified voters of the Native Village of Eklutna. (All members are entitled to adequate notice.)

ARTICLE XV ADOPTION

This constitution when adopted by a majority of the qualified voters of the Eklutna Nation voting at an election called for that purpose by the Native Village of Eklutna Tribal Council in which at least fifteen percent (15%) of those entitled to vote shall vote, shall be effective from the date of approval.

Adopted this 27 th day of January, 1996

Members entitled to vote = 92
Number of Members voting = 27

Members voting for the adoption = 26

Council President George Dirks